

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

JAMES E. ZALEWSKI and DRAFTICS, LTD.,	)	
	)	
<i>Plaintiffs,</i>	)	
v.	)	
	)	
T.P. BUILDERS, INC. et. al	)	Civil Action No. 1:10-CV-00876
	)	(GLS/RFT)
<i>Defendants.</i>	)	
	)	
	)	
	)	

**DECLARATION OF ANNETTE I. KAHLER**

ANNETTE I. KAHLER declares as follows:

1. I am a member of the Bar of this Court and of counsel to the law firm of Heslin Rothenberg Farley & Mesiti, P.C. ("HRFM"), attorneys for Defendants Roxanne Heller and DeRaven Design & Drafting (collectively, the "DeRaven Defendants") in this proceeding. I submit this declaration in support of the Motion for Costs and Attorneys' Fees filed on behalf of the DeRaven Defendants.
2. I have personally reviewed the attorneys' fees of HRFM billed to the DeRaven Defendants since the inception of this proceeding.
3. The total amount of attorneys' fees billed to the DeRaven Defendants through July 27, 2012 is Forty-Three Thousand Forty-Five U.S. Dollars (\$43,045).
4. The total amount of attorney work hours through July 27, 2012 corresponding with the billed fees is 339.8 hours.

5. The effective hourly rate for the attorneys' fees in this case is \$126 per hour.

6. Significant reductions were made by HRFM in the billed attorneys' fees to the DeRaven Defendants in recognition of their limited financial resources and inability to pay reasonable and customary rates. These reductions included discounts on hourly rates, professional courtesy discounts, and hours that have been written off.

7. In addition to the billing reductions, HRFM has extended a monthly payment plan to the DeRaven Defendants, allowing them to pay the balance of their account in increments of \$500 per month. A significant balance in that account remains, and DeRaven will need to make payments for at least five years to pay all fees in full.

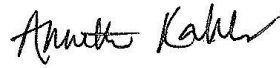
8. The usual and customary fees of HRFM attorneys for intellectual property matters ranges from \$180 per hour for a new associate to \$470 per hour for a senior partner. The primary attorneys working on the DeRaven case, with experience commensurate to and required for a case of this complexity, billed at hourly rates of \$300 and \$450 during the majority of the time period while this case was pending. Associates who assisted with the case have usual and customary rates of \$180 to \$260 per hour.

9. If HRFM had billed the DeRaven Defendants at its usual and customary rates in this proceeding, the attorneys' fees would have exceeded \$100,000.

10. Attached hereto are detailed billing records for the DeRaven Defendants through June 30, 2012. Further billing records can be made available to the Court upon request.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: August 3, 2012



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***Attorney for Plaintiffs Roxanne K. Heller and  
DeRaven Design& Drafting***